

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003P12146WO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/051517	International filing date (day/month/year) 16.07.2004	Priority date (day/month/year) 17.07.2003	
International Patent Classification (IPC) or national classification and IPC H04Q7/38			
Applicant SIEMENS AKTIENGESELLSCHAFT			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. (*sent to the applicant and to the International Bureau*) a total of 2 sheets, as follows:
 sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

Box No. I Basis of the report
 Box No. II Priority
 Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 Box No. IV Lack of unity of invention
 Box No. V Reasoned statement under Article 35(2), with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 Box No. VI Certain documents cited
 Box No. VII Certain defects in the international application
 Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

PCT/EP2004/051517

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

international search (Rule 12.3 and 23.1(b))
 publication of the international application (Rule 12.4)
 international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:

pages 2-6 as originally filed/furnished
 pages* 1, 1a received by this Authority on 01.06.2005 with letter
of 25.05.2005
 pages* _____ received by this Authority on _____

the claims:

nos. 1-19 as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* _____ received by this Authority on _____
 nos.* _____ received by this Authority on _____

the drawings:

sheets 1/2, 2/2 as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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International application No.
PCT/EP2004/051517

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-19</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims _____	YES
	Claims <u>1-19</u>	NO
Industrial applicability (IA)	Claims <u>1-19</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents:

D1: WO 02/085050 A1 (NOKIA CORPORATION; BONTEMPI, RICHARD; LOEPPONEN, JUSSI; RAJAHALME, JA)
24 October 2002 (2002-10-24)

D2: "Digital cellular telecommunications system (Phase 2+); Universal Mobile Telecommunications System (UMTS); General Packet Radio Service (GPRS) Service description; Stage 2 (3GPP TS 23.060 Version 5.2.0 Release 5)" ETSI TS 123 060 V5.2.0, XX, XX, 1 June 2002 (2002-06-01), XP002235158

2. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1-19 does not involve an inventive step (PCT Article 33(3)).

2.1 Document D1 is considered the prior art closest to the subject matter of claim 1 and discloses (the references between parentheses refer to that document):

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Box No. V	<u>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</u>
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method for establishing a link between a mobile user initiating establishment of the link and other mobile users within a group of mobile users via at least one mobile telephone network ("PDP activation procedure", "one or more PDP contexts are created"; see page 5, line 1 - page 6, line 11; page 2, line 20 - page 3, line 2; page 16, lines 26-28 and fig. 1), wherein, upon establishment of the link, user data to be transmitted between the mobile user initiating establishment of the link and other users within the group is transmitted, in addition to signalling data, via a first channel ("Leader RTP packet", "VoIP packets", see page 11, lines 19-29; page 2, line 20 - page 3, line 2 and fig. 3).

The subject matter of claim 1 thus differs from that known from document D1 in that a **second channel** is also established for the link, the user data being transmitted via the second channel.

The present invention can therefore be considered to address the problem of increasing the transmission quality of the user data.

The solution proposed in claim 1 of the present application cannot be considered inventive for the following reasons:

The feature whereby a mobile station in a GPRS mobile telephone network activates a second

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Box No. V	<u>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</u>
	<p>channel in which the user data is transmitted with a quality of service matching the quality requirements is a common measure; see, for example, document D2 ("Secondary PDP context", "Different QoS profile"; see page 125, lines 8-28). A person skilled in the art would regard the inclusion of this feature in the method described in D1 for establishing a link in a mobile telephone network as an obvious approach within the scope of normal technical practice.</p> <p>The subject matter of independent claim 1 thus fails to involve an inventive step.</p> <p>2.2 The same reasoning applies to the corresponding independent claims, claims 16 and 17.</p> <p>2.3 Dependent claims 2-15, 18 and 19 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for inventive step; see the passages of text in documents D1 and D2 that are cited in the search report.</p>